

REMARKS

I. Double Patenting Rejection

As discussed above, the Examiner rejected claims 1-2, 4, 7, and 9 as being obvious over claims 1-5 and 7-8 of U.S. Patent No. 6, 722, 548.

It is respectfully submitted that a Terminal Disclaimer enclosed herewith overcomes the double-patenting rejection of claims 1-2, 4, 7 and 9.

II. Rejection Over the Prior Art

The Examiner rejected claims 1-4 and 7-9 as being anticipated by Walter et al., U.S. Patent No. 6, 123,241 (Walter). Claim 1 is further rejected as being anticipated by Granacher, U.S. Patent No. 6, 783, 047 (Granacher). Claim 7 was rejected as being obvious in view of Granacher. It is respectfully submitted that all of claims 1-9 are patentable over the cited references, claims 5-6 having been indicated as being allowable.

Specifically, claim 1 recites a storage chamber arranged between the electronically controlled valve (which controls the flow of fuel from a full source to the combustion chamber) and the combustion chamber.

As explained in the specification (please see the paragraph bridging pages 4 and 5), the provision of a storage chamber provides, on one hand, for delivery to the combustion chamber upon initiation of a setting process, a precise amount of fuel necessary for effecting the setting process and, on the other hand, permits to increase the output of the setting tool because the fuel is stored in the chamber before the following setting process. No such storage chamber is disclosed either in Walter or in Granacher.

Considering Walter, the Office Action asserts, with reference to Fig. 44, that a storage chamber is arranged between the electronically controlled valve (4) and the combustion chamber (12).

Applicants respectfully disagree with this assertion. Fig. 44 is described in detail in column 27, lines 51-56. According to the description, Fig. 44 discloses an improved valve assembly (710) comprised of two diametrically opposed ducted opening or exhaust ports (715), and a movable valve element such as a reciprocally movable piston (720), which operates to allow or prohibit air from passing into or out of the combustion chamber (725). As only air is prohibited or allowed to pass, this valve assembly (710) is, of course, not arranged within the fuel guide between the electronically controlled valve (4) and the combustion chamber (12). In col. 6, lines 29-32, Walter further discloses that “fuel travels along the fuel flow passageway portion (40c) to a metering solenoid valve (46) that delivers a precise amount of fuel to the combustion chamber (12) prior to ignition”. So, there is no indication given, that the fuel travels from the solenoid valve via a storage chamber to the combustion chamber.

It is respectfully submitted that Walter does not disclose or suggest an important and recited feature of claim 1, does not anticipate or makes obvious the present invention as defined by claim 1, and claim 1 is patentable over Walter.

It is further also respectfully submitted that Granacher likewise does not disclose a storage chamber between the fuel flow-controlling electronically controlled valve and the combustion chamber.

Granacher discloses an expanding gas-operated setting tool where fuel is supplied from a fuel reservoir (2) to a combustion space (23) over a fuel pipeline and a valve 21 (col. 3, lines 12-14). A storage chamber on the other hand is not disclosed by Granacher. The item in Fig. 1 (square between the rectangle with

reference numeral 21 and the fuel pipeline 22) to which the Examiner probably refers to, is part of the valve 21 but is not a "storage chamber."

Accordingly, it is respectfully submitted that Granacher likewise does not anticipate or make obvious the present invention, as defined by claim 1, and claim 1 is patentable over Granacher.

In view of the above, it is respectfully submitted that claim 1 and all of the claims 2-9, dependent on claim 1, are in condition for allowance.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



Alexander Zinchuk

Reg. No. 30,541

Dated: July 22, 2005
Abelman, Frayne & Schwab
666 Third Avenue, 10th Floor
New York, NY 10017-5621
212-885-9386

This correspondence is being deposited with the United States Postal Service on July 22, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **ER 843 204 643** US addressed to the Honorable Commissioner for Patents, Alexandria, VA 22313-1450.

Alexander Zinchuk
Alexander Zinchuk